

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to enhance the rights of crime victims in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/16/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to enhance the rights of crime victims in the commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 258B, as appearing in the 2022 Official Edition, is
2 hereby amended by inserting after the word “stepparent” in line 16 the following word:-
3 grandparent,

4 SECTION 2. Said Section 1 of chapter 258B, as so appearing, is hereby further amended
5 by inserting after the words “two hundred and fifty-eight C” in line 17 the following words:-
6 person with whom the victim lived and in a relationship similar to marriage,

7 SECTION 3. Said Section 1 of chapter 258B, as so appearing, is hereby further amended
8 by inserting, after line 18, the following words:-

9 “probation officer”, an associate probation officer, probation officer, assistant chief
10 probation officer, chief probation officer, regional probation supervisor, statewide probation
11 supervisor, victim service coordinator, the deputy commissioner of field services, and any other
12 personnel whom the commissioner of probation shall direct.

13 “limited English proficient”, individuals who do not speak English as their primary
14 language and have a limited ability to speak, read, write, or understand English.

15 “vital document”, paper or electronic written material that contains information that is
16 critical for accessing a component’s programs or activities or is required by law.

17 SECTION 4. Section 2 of said chapter 258B, as appearing in the 2022 Official Edition, is
18 hereby amended by inserting at the beginning the following:-

19 Services provided in this chapter shall be afforded to victims and family members of
20 violent crimes, including homicide and sexual assault, to the fullest extent possible in matters
21 that have not resulted in complaints or indictments have not been issued.

22 SECTION 5. Said Section 2 of said chapter 258B, as appearing in the 2022 Official
23 Edition, is hereby amended by inserting before the word “prosecutors” in line 1 the following
24 word:-

25 Furthermore,

26 SECTION 6. Subsection (l) of Section 3 of said chapter 258B, as so appearing, is hereby
27 amended by striking the word “A” in line 91 and inserting, in place thereof, the following word:-

28 B

29 SECTION 7. Said section 3 of said chapter 258B, as so appearing, is hereby amended by
30 striking out subsection (p) and inserting in place thereof the following subsection:-

31 (p) for victims, to be present and heard at sentencing or the disposition of the case against
32 the defendant. In any court proceeding not previously scheduled for an admission to sufficient
33 facts or change of the defendant’s plea, if a victim is not present at the time the defendant pleads

34 or is found guilty, delinquent, or admits to sufficient facts, the court shall delay sentencing by no
35 less than one business day. Upon such continuance, the district attorney pursuant to section four
36 B of chapter two hundred and seventy-nine shall provide or make attempts to provide to the
37 victim or victims actual notice of the time and place of the disposition to afford the victims the
38 opportunity to be present and or heard. The court may waive the delay upon a showing by the
39 prosecutor that the victim does not desire to be present or heard at sentencing. Victims have the
40 right to be heard through an oral and written victim impact statement at sentencing or the
41 disposition of the case against the defendant, even if there is admission to sufficient facts, the
42 sentence is mandatory, or there is an agreed upon plea, about the effects of the crime on the
43 victim and as to a recommended sentence, pursuant to section four B of chapter two hundred and
44 seventy-nine, and to be heard at any other time deemed appropriate by the court. The court shall
45 consider said victim impact statement in disposition of the case against the defendant. The
46 victim also has a right to submit the victim impact statement to the parole board for inclusion in
47 its records regarding the perpetrator of the crime;

48 SECTION 8. Subsection (t) of said section 3 of said chapter 258B, as so appearing, is
49 hereby amended by inserting after the word “custody” in line 144 the following words:-
50 including a release on bail,

51 SECTION 9. Said section 3 of said chapter 258B, as so appearing, is hereby amended by
52 inserting the following sections:-

53 (x) for victims, to be notified by the prosecutor that they have the right to provide the sex
54 offender registry board with a written impact statement for inclusion in the convicted sex
55 offender’s classification determination pursuant to section 178K(1)(k) of chapter 6.

56 (y) for victims, to be notified by the probation officer if an offender has a violation of
57 probation hearing, any sentencing after a finding of a violation of probation, and any motion to
58 modify the sentence or disposition of probation, including a transfer of supervision or a motion
59 to terminate. Victims requesting such notice must provide the probation service with current
60 contact information.

61 (z) for victims, to be heard through an oral or written statement after a finding of a
62 violation of probation, and any motion to modify the sentence or disposition, including a motion
63 to terminate.

64 (aa) for victims, who may be limited English proficient, to include and not be limited to
65 victims and witnesses who identify as deaf or hard of hearing, the right to receive free oral or
66 sign language services and assistance that provides for the meaningful enforcement of rights
67 under this chapter.

68 SECTION 10. Section 7 of said chapter 258B, as so appearing, is hereby amended by
69 inserting after the words “district attorney,” in line 1 the following words:- probation service,
70 parole board, sex offender registry board, department of correction, department of youth
71 services, sheriffs,

72 SECTION 11. The first sentence of section 4B of chapter 279, as appearing in the 2022
73 Official Edition, is hereby amended by striking the words “against the person or crime where
74 physical injury to a person results, excluding any crime for which a sentence of death may be
75 imposed, and which involves an identified victim whose whereabouts “ and inserting in place
76 thereof the following words:- a victim as defined by chapter 258B.

77 SECTION 12. Said Section 4B of chapter 279, as so appearing, is hereby further
78 amended by inserting after the fourth paragraph the following paragraph:-

79 The court shall consider said victim impact statement in disposition of the case against
80 the defendant.

81 SECTION 13. There shall be a bail notification special commission established pursuant
82 to section 2A of chapter 4 of the General Laws, referred to in this section as the commission. The
83 commission shall evaluate policies and procedures related to the current bail system and
84 recommend improvements or changes related to notification services, pursuant to section 3(t) of
85 chapter 258B, for victims and family members of crime, as defined by chapter 258B.

86 (a) The commission shall consist of no more than 11 members: 1 of whom shall be the
87 executive director of the Massachusetts office for victim assistance or designee, whom shall
88 serve as chair; 1 of whom shall be a member of the house of representatives appointed by the
89 speaker of the house of representatives; 1 of whom shall be a member of the senate appointed by
90 the president of the senate; 1 of whom shall be the chief justice of the trial court or designee; 1 of
91 whom shall be the secretary of the executive office of public safety and security or designee; 1 of
92 whom shall be the commissioner of probation service or designee; 1 of whom shall be the
93 president of the Massachusetts chiefs of police association or designee; 1 of whom shall be the
94 president of the Massachusetts sheriffs association or designee; 1 of whom shall be the president
95 of the Massachusetts district attorneys association or designee; and no more than 2 of whom
96 shall be crime victims appointed by the victim and witness assistance board.

97 (b) The commission shall submit its final report to the governor, the house and senate
98 chairs of the joint committee on the judiciary and the house and senate chairs of the joint

99 committee on public safety and homeland security not later than December 31, 2026 which shall
100 include: (i) an evaluation of the current practices relative to bail notification to victims and
101 family members when an offender is released from custody; (ii) an evaluation of what shall
102 constitute appropriate notification to victims and family members and the best practice in which
103 to provide notification (iii) a policy recommendation to ensure appropriate notification services
104 are provided to victims and family members dependent on the custodial authority in which an
105 offender is held; (iv) any proposed technology or multi-disciplinary system recommendations to
106 provide notification services, including contracting with state or non-state entities to develop
107 implementation plans and estimated costs to the commonwealth; and (v) any additional proposed
108 policy, regulatory, or statutory changes concerning notification services for victims and family
109 members within the pretrial system.